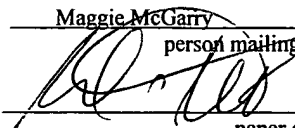


Patent Application Transmittal
(only for new nonprovisional applications under 37 C.F.R. 1.53(b))

FIRM: ANDERSON KILL & OLICK, P.C. ADDRESS: 1251 Avenue of the Americas New York, New York 10020 TEL: (212) 278-1000 FAX: (212) 278-1733	<div style="text-align: center;">EXPRESS MAIL</div> <div>Mailing label number EU483331499US Date of Deposit: November 17, 2003 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.</div> <div style="text-align: right; padding-right: 10px;">22389 US PTO 10/715818</div> <div style="text-align: center; margin-top: 20px;"><u>Maggie McGarry</u> (Typed or printed name of person mailing paper or fee)  (Signature of person mailing paper or fee)</div>
[37 CFR § 1.8 Certificate of Mailing CANNOT be used.]	



Date: November 17, 2003
Attorney Docket No.: MM4329DIV 2

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PATENT APPLICATIONS

Sir:

With reference to the filing in the United States Patent and Trademark Office of an application for patent in the name(s) of:

Werner KREUTZ

entitled: **SYNERGISTIC COMPOSITIONS FOR THE SELECTIVE CONTROL OF TUMOR TISSUE**

☐ New Application

☒ Continuing Application

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP)
of Patent Application number 10/371,088 filed on February 20, 2003 which itself is a Divisional of 09/713,449 filed on November 15, 2000 now Patent Number 6,525,038 which issued on February 25, 2003) which in turn is a Continuation-In-Part of 09/446,570, filed March 27, 2000 (now Patent No. 6,395,720).

[Note: If priority under 35 U.S.C. 120 involves a series of respectively co-pending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

☐ The prior application is assigned of record to .

- ☒ This is an application of a small entity under 37 CFR 1.9(f) and the amounts shown in parentheses below have been employed in calculating the fee:
____ Small Entity Verified Statement(s) is (are) enclosed.
☒ Small Entity Verified Statement(s) filed in prior application, status still proper and desired

The following are enclosed:

- ☒ Specification (31 pages) including Abstract
☒ 7 Sheet(s) of Drawings (Figs. 1-7)
☒ 5 Claim(s) (including 3 independent claim(s)) – **SEE PRELIMINARY AMENDMENT**
____ This application contains a multiple dependent claim
☒ Information Disclosure Statement, PTO-1449 and 7 references;

- ☒ This filing fee has been calculated on the basis of the claims as amended by any enclosed preliminary amendment as follows:

Basic Fee \$770.00(\$385.00).....	\$385.00
Number of Claims in excess of 20 at \$18.00 (\$ 9.00) each: ...X	00.00
Number of Independent Claims in excess of 3 at \$84.00 (\$42.00) each: ...X	00.00
Multiple Dependent Claim Fee at \$280.00 (\$140.00).....	00.00
____ Assignment Recording Fee \$40.00.....	00.00
Total Filing Fee \$ 385.00	

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication and credit any overpayment to **Deposit Account No. 01-1944**. A duplicate copy of this sheet is enclosed

- (X) Any additional filing fees required under 37 CFR 1.16
(X) Any patent application processing fees under 37 CFR 1.17.

- ☒ Oath or Declaration and Power of Attorney
____ New ____ signed ____ unsigned
☒ Copy from a prior application (37 C.F.R. 1.63(d))

Deletion of Inventors

____ Signed Statement attached deleting inventor(s) named in the prior application (37 C.F.R. 1.63(d)(2) and 1.33(b))

____ Power of attorney and/or correspondence address was changed during prosecution of the prior application. The new power of attorney is to _____. The new correspondence address is indicated above.

- ☒ Incorporation by Reference (for continuation or divisional application)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- ☒ A Preliminary Amendment is enclosed.
(Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ Cancel in this application original claims 1-48 of the application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ New formal drawings are enclosed.
- ☒ Certified copy of each foreign priority application on which the claim for priority under 35 U.S.C. 119 is based was filed in prior U.S. application serial no. **09/446,570**, filed **March 27, 2000**. A list of said foreign priority application(s) is (are) provided below. Acknowledgement thereof is requested.

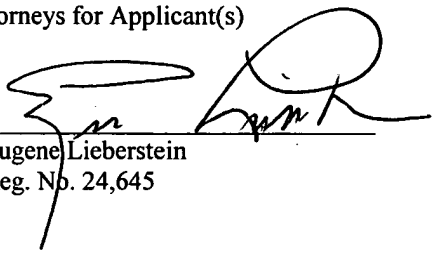
<u>Application No.</u>	<u>Filed</u>	<u>In</u>
197 26 871.4	June 24, 1997	GERMANY
PCT/EP98/02939	May 19, 1998	PCT/EUROPE

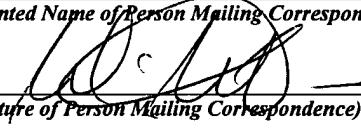
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of the application or credit any overpayment to Deposit Account No. 01-1944. A duplicate copy of this sheet is enclosed

- (X) Any patent application processing fees under 37 CFR 1.17
- (X) Any filing fees required under 37 CFR 1.16 for the presentation of extra claims.

Respectfully submitted,

Attorneys for Applicant(s)

By: 
Eugene Lieberstein
Reg. No. 24,645

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. MM4329DIV.2
Applicant(s): Werner KREUTZ			
Serial No. DIV. of 10/371,088	Filing Date Concurrently Herewith	Examiner	Group Art Unit
Invention: SYNERGISTIC COMPOSITIONS FOR THE SELECTIVE CONTROL OF TUMOR TISSUE			
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px;"><p>Divisional application of 10/371,088 transmittal letter; Preliminary Amendment; COPY OF: 31-page specification including claims & Abstract; 7 sheets of drawings (Figs. 1-7); Declaration & Power of Attorney; Information Disclosure Statement (IDS) Form PTO-1449 citing 7 references & copies of refs.; Authorization to charge fees to deposit account; Cert. of Express Mailing; postcard;</p></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;"><u>November 17, 2003</u> <i>(Date)</i></p> <div style="text-align: center; margin-top: 20px;"><p>Maggie McGarry <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><div style="border: 1px solid black; width: 150px; height: 50px; margin: 0 auto; position: relative;"></div><p><i>(Signature of Person Mailing Correspondence)</i></p><p>EU483331499US <i>("Express Mail" Mailing Label Number)</i></p></div>			
<p>Note: Each paper must have its own certificate of mailing.</p>			